

SUMMARY STATEMENT

Pinkham v. Plate

Docket No. 48954-2021

The Idaho Supreme Court affirmed the district court's decision declining to set aside the entry of default and default judgment against David Plate, Rebecca Jensen, and their company, Three Peaks Homes, LLC (collectively "Appellants"). The district court entered a default judgment in favor of Scott and Natalie Pinkham ("the Pinkhams") after Appellants' attorney withdrew from the case and Appellants failed to timely designate new counsel as required by Idaho Rule of Civil Procedure 11.3. Appellants retained an attorney and moved to set aside the default and the default judgment, but the district court denied both requests. The Idaho Supreme Court issued an opinion in the case on November 28, 2023. The Pinkhams thereafter filed a petition asking the Court to rehear the appeal, which the Court granted.

Appellants appealed the district court's denial of their motion to set aside the default and default judgment. Appellants argued that the district court erred in not setting aside the entry of default because the district court should not have entered default in the first place or, alternatively, because there was good cause to set aside the default. Appellants then argued that the district court erred in not setting aside the default judgment because it was entered without providing Appellants proper notice and without evidentiary support.

On rehearing, the Court affirmed the district court's denial of Appellants' motion to set aside the default and default judgment. The Court concluded that the district court did not err in denying Appellants' motion to set aside the entry of default because it was properly entered pursuant to Rule 11.3 and Appellants failed to demonstrate good cause to set aside the entry of default. The Court also concluded that the district court did not err in setting aside the default judgment because its entry did not violate their due process rights and the default judgment was not void pursuant to Idaho Rule of Civil Procedure 60(b)(4).

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.